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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/611,947 | 07/03/2003 | Stefan Florsheimer | 1351 US | 5417 |

7590 06/28/2005

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EXAMINER

ROSENBERG, LAURA B

| | |
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| ART UNIT | PAPER NUMBER |
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3616

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 10/611,947 | Applicant(s) FLORSHEIMER ET AL. | |
| | Examiner Laura B. Rosenberg | Art Unit 3616 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2005.
2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,8,9 and 12-22 is/are pending in the application.
4a) Of the above claim(s) 2-5,13 and 18-21 is/are withdrawn from consideration.
5) ☒ Claim(s) 1,8,9,12,14-17 and 22 is/are allowed.
6) ☐ Claim(s) _____ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 03 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This office action is in response to the amendment filed 30 March 2005, in which claims 1, 8, and 9 were amended and claims 6, 7, 10, and 11 were cancelled.

Specification

2. The amendment filed 30 March 2005 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Lines 13-17 that were added to paragraph 0005 constitute new matter because their location within paragraph 0005, which previously only contained subject matter that generically applies to all of the species, implies that the newly added subject matter also applies to all of the species. However this newly added subject matter only applies to one of the species.

Applicant is either required to cancel the new matter in the reply to this Office Action, or the newly added subject matter should be rewritten in order to distinguish it from other embodiments. For example, the specification amendment could read, "In the first embodiment, the storage device for the measuring element is a sleeve...measuring elements per chamber."

Claim Objections

3. Claim 1 is objected to because of the following informalities: the period at the end of line 12 should be changed to a comma. Appropriate correction is required.

Response to Amendment

4. The amendment to claim 1, in which lines 13-17 were added, has not been properly indicated by underlining the newly added subject matter.

Allowable Subject Matter

5. Claims 1, 8, 9, 12, 14-17, and 22 are allowed.

Response to Arguments

6. The examiner disagrees with the applicant's statement that currently amended claim 1 is generic to each of the species. Specifically, the storage device for the measuring element of claim 1 and figures 1, 5, 6, and 7a-7d is not the same as the storage device for the measuring element of figures 2, 3, 4a, and 4b. The applicant has pointed out in the specification that the storage device for the measuring element of figures 2, 3, 4a, and 4b is a measuring element retractor 18. Further, nowhere in the originally filed specification or drawings does the applicant support an embodiment in which the storage device 40 is associated with the airbag module embodiments in figures 2, 3, 4a, and 4b. Thus, claim 1 is no longer a generic claim, and withdrawn claims 2-5, 13, and 18-21 should be canceled.

Conclusion

7. This application is in condition for allowance except for the following formal matters:

Specification and claim objections should be corrected (see above);

Amendment documentation should be corrected (see above);

Cancellation of withdrawn claims is required (see above).

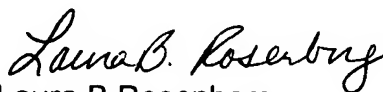
Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.


A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B. Rosenberg whose telephone number is (571) 272-6674. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Laura B Rosenberg
Patent Examiner
Art Unit 3616


PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

LBR